

May 14, 2013

The Work Session Meeting of the Governing Body of the Borough of Bloomingdale was held on the above date in the Council Chambers of the Municipal Building, 101 Hamburg Turnpike, Bloomingdale, NJ. Mayor Dunleavy called the meeting to order at 7:08 p.m.

SALUTE TO THE AMERICAN FLAG

Mayor Dunleavy led the Salute to the Flag .

ROLL CALL

<i>In Attendance:</i>	Mayor:	Jonathan Dunleavy
:		
	Council Members:	Mark Conklin John D'Amato Richard Dellaripa Linda Shortman Michael Sondermeyer Ray Yazdi (Entered later)
<i>Professionals Present:</i>	Municipal Clerk:	Jane McCarthy, RMC
	Borough Attorney:	Fred Semrau, Esq.
	Borough Engineer:	Paul Darmofalski, P.E.

PUBLIC NOTICE STATEMENT

Mayor Dunleavy stated that adequate notice of this meeting was posted in the Bloomingdale Municipal Building and provided to The Suburban Trends; The North Jersey Herald & News; and all other local news media on January 2, 2013.

NON-AGENDA ITEMS

Mayor Dunleavy noted that the following items will be discussed later in the evening:

- Authorization for Budget Meetings May 30, 2013 at 8 p.m. and June 6, 2013 at 7:30 p.m.
- Authorization for Police Chief to seek bids for a new vehicle

EARLY PUBLIC COMMENT

Councilman D'Amato moved to open the meeting to Early Public Comment; seconded by Councilman Yazdi and carried on voice vote.

Since there was no one who wished to speak under the Public Comment, Councilman Yazdi moved that it be closed; seconded by Councilman D'Amato and carried on voice vote.

REPORTS OF PROCESSIONALS, DEPARTMENT HEADS, COMMITTEES, LIAISONS AND MAYOR'S REPORT

Municipal Clerk

Noted that the last day to register to vote before the Primary election is this evening until 9 p.m.

Borough Attorney

Noted that he is working on foreclosures on eighteen properties. Borough Attorney stated that normally you get title insurance; in foreclosures, you can obtain a certificate of regulatory; we are in the process of getting a quote and a title company look at where we are right now; we will have that price for the Council.

Board of Health

Councilwoman Shortman, Liaison, stated that the Board asked for a resolution in regard to Tobacco on the agenda and it is on this evening.

Riverwalk

Councilwoman Shortman stated that she met with the Borough Engineer and we hope to have a report by June 1.

Master Gardeners

Councilwoman Shortman stated that the best hidden gem in Bloomingdale is the garden behind the Senior Center put in by the Master Gardeners.

Mayor's Report

Mayor reported on the following:

- Fire house roof had a minor repair; contractor is honoring his work
- Will be having a meeting with PSE&G in regard to roads
- Hope to have the Walter T. Bergen restrooms out to bid in June
- Heating and air conditioning problems 90% completed
- Paving of Jeffries and Knolls should begin sometime after May 20

- Introducing a road paving ordinance this evening
- Sloan Park is waiting final DEP release
- Van Dam sidewalk hopefully in the next year or so
- Our ROSI needs to be updated
- Received final draft on our open space master plan which will be sent to Planning Board
- Cleanup day is Saturday at 10 a.m.
- Getting prices for flood insurance on the animal shelter
- Kinnelon mechanic shared services going very well
- Kinnelon jet vac will begin in the next few weeks
- Engineer, Planner, Mayor and Construction Official attended meeting with Highlands
- We were awarded \$250,000 for Phase II Rafkind Road; hope to begin next year
- County did curb drops on some of the roads to be paved; they are not going to pave until they do the drainage when school is out

APPROVAL OF CONSENT AGENDA

Councilman D'Amato moved for the approval of the following consent agenda:

- A. Removal from rolls of Bloomingdale Fire Department due to moving out of town; John Baker
- B. Notice of Award from the department of Transportation of \$20,000 for Rafkind Road Phase II
- C. Proclamation for Older Americans Month – May 2013

Councilwoman Shortman seconded the motion and it carried on voice vote.

PENDING BUSINESS

Introduction of Ordinance No. 19-2013: Zoning Map

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, THE CODE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER XXXIII, "LAND USE PROCEDURES," BY ADDING SECTION 33-11, "ZONING MAP" was introduced by title by Councilman Yazdi who moved that second and final reading and public hearing be held on may 28, 1013 at 7:30 p.m.

Councilman Dellaripa seconded the motion, and it carried as per the following roll call: Council members: Conklin; D'Amato; Dellaripa; Shortman; Sondermeyer and Yazdi all YES. (NOTE: Later in the meeting, the second and final reading and public hearing was changed to June 11, 2013 at 7:30 p.m.)

Table Ordinance No. 14-2013: Paving Ordinance

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, THE CODE OF THE BOROUGH OF BLOOMINGDALE BY AMENDING CHAPTER XX, "STREETS AND SIDEWALKS," ARTICLE II, "STREETS," CHAPTER 20-11, "STREET OPENINGS AND EXCAVATIONS," SECTION 20-11.16, "RESTORATION," TO REQUIRE INFRARED PAVEMENT RESTORATION FOR ALL ROADS OPENED WITHIN FIVE YEARS OF PAVING was tabled by Councilman Sondermeyer to the May 28, 2013 meeting for second and final reading and public hearing at 7:30 p.m.

Councilwoman Shortman seconded the motion and it carried as per the following roll call: council members: D'Amato; Dellaripa; Shortman; Sondermeyer; Yazdi and Conklin all YES.

ORDINANCES

Second and final reading and public hearing of Ordinance #10-2013: Towing

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO AMEND CHAPTER XXI, MUNICIPAL towing was given second and final reading and consideration for adoption at this time.

Councilman Yazdi moved that the ordinance be read by title; seconded by Councilman Dellaripa and carried on voice vote.

ORDINANCE 10-2013

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO AMEND CHAPTER XXI, MUNICIPAL TOWING

WHEREAS, the Borough of Bloomingdale ("Borough") provides for the towing of motor vehicles; and

WHEREAS, the Borough is desirous of protecting the property of and persons operating motor vehicles within the Borough; and

WHEREAS, the Borough seeks to promote the free flow of traffic in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

SECTION 1. Chapter XXI, "Municipal Towing," of the Borough Code is amended to read as follows:

CHAPTER XXI MUNICIPAL TOWING

21-1 DEFINITIONS.

For the purpose of this chapter, the following words shall have the meanings given herein.

Abandoned vehicle shall mean a motor vehicle which the owner or operator leaves on a public roadway and fails to notify the police or does not attempt to repair and remove the same within a reasonable period of time.

Absorbent shall mean a granulated or powdered substance used to soak up fluids used in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing fifty (50) pounds.

Accident vehicle shall mean a motor vehicle which has been involved in an accident.

Borough shall mean the environmental boundaries of Bloomingdale and all land within.

Basic environmental clean-up shall mean the cleanup and removal of small quantities of fluids used in the operation of a motor vehicle which leak onto the ground.

Basic towing service shall mean the towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

Cruising shall mean driving an unengaged wrecker to and from along a public street in any fashion calculated for the purpose of soliciting business along any street.

Disabled vehicle shall mean any motor vehicle which is unable to operate under its own power.

Garage shall mean a building or property where motor vehicles can be sheltered, stored, repaired and made ready for use.

Impoundment shall mean the storage of a motor vehicle upon the order of the Police Department at either the towing operator's storage area or at a Borough facility as a result of abandonment, involvement in an accident, suspected criminal activity and/or any violation of Title 39 of the New Jersey Statutes or municipal ordinances.

Licensee shall mean any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Borough, pursuant to this section, to provide wrecker/towing services to the Borough.

Licensed tow truck/wrecker shall mean any wrecker/tow ehicle licensed pursuant to the provisions of this section.

Owner shall mean a person, firm, corporation or partnership that owns and/or operates a motor vehicle on the roads within the Borough of Bloomingdale.

Person shall mean an individual, a sole proprietorship, a corporation, limited liability company or any other business entity.

Police shall mean the Borough of Bloomingdale Police Department.

Principal location shall mean the licensed place of business of the towing operator. The towing operator shall maintain a place of business where trucks, in response to police requests, are normally kept. The impound area shall be located adjacent to, or be part of, the principal location and shall comply with the local zoning ordinances. The principal location must be staffed during business hours and shall maintain a clean, comfortable waiting area with toilet facilities and an accessible phone for use by patrons.

Recovery shall mean the procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

Roadway cleanup shall mean the sweeping and removal of all debris left on the roadway as a result of an accident or incident.

Rotating list shall mean the list of towers prepared by the Chief of Police from which, each month, the on-duty tower for the month is designated.

Storage rates shall mean fees charged for the storage of motor vehicles.

Towing operator shall mean a person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

Vehicle shall mean every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.

Winching shall mean the process of moving a motor vehicle, by the use of a cable, from a position that is not accessible for direct hookup by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed or carrier, nor lifting a motor vehicle with a conventional tow sling.

Wrecker and tow truck shall mean a vehicle employed for the purpose of towing, transporting, conveying and removing any vehicles which are unable to be operated under their own power from the place where they are disabled to some other place. (Ord. No. 4-2001)

21-2 PERMIT REQUIRED.

No person, firm, or corporation shall participate in the police towing rotation within the Borough without first obtaining the necessary permit as hereinafter provided from the Chief of Police. (Ord. No. 4-2001) License or renewal applications filed after December 1st will not be accepted for the following calendar year, but shall be considered for the subsequent calendar year.

21-3 TERM OF PERMIT

All permits issued under this chapter shall expire on the last day of December next succeeding the date of issuance. (Ord. No. 4-2001)

21-4 APPLICATION.

Towing operators meeting the qualifications set forth below shall submit an application, in writing, to the Police Department to be considered for placement on a rotating list of towing operators. There shall be a maximum of three (3) towers on the list per year. In

establishing the list, applications shall be considered on a first-come first-serve basis for qualified applicants.

- a. Application for permits issued under this chapter shall be made upon forms prepared and made available by the Chief of Police. The application shall state the following information:
 1. The complete legal business name, telephone number, and address of all locations operated by the applicant for the business of towing, indicating which is the principle location.
 2. A description of the wreckers owned by the applicant and the types of towing services to be provided.
 3. Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased, the applicant is required to submit a copy of the lease agreement.
 4. That the applicant has available space at the garage for properly accommodating and protecting all impounded/disabled motor vehicles to be towed from the place where they are impounded/disabled, and that the vehicles will not be stored or allowed to remain on public property or any street or property which is not permitted by the chapter for such storage.
 5. The names addresses and telephone numbers of any persons possessing any liens and/or encumbrances on the principal location.
 6. The name, address and telephone number of the applicant's insurance carrier and photocopies of each certificate of insurance issued by the carrier.
 7. Photocopies of all towing vehicle operator's current driver's licenses.
 8. Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction in which it is located.
 9. Description of vehicles for which the permit is desired, including year, make, model, type, color and vehicle identification number; length of time the vehicle has been in use, including documentation of the manufacturer's gross vehicle weight rating for each tow truck; and any other information which the Chief of Police shall deem necessary or proper. All leased and rented equipment must be permanently located at the contractor's place of business or residence, provided that such location is in conformity with state law, federal law and local ordinances.
 10. Any persons employed by the towing business, including the applicant/owner, who has been convicted of a crime.
 11. The application shall have affixed thereto an affidavit to be sworn to by the applicant that all of the information given in the application is true and correct.

12. The applicant shall provide an agreement that, upon issuance of a license, the licensee shall indemnify and hold harmless the Borough of Bloomingdale, its agents, servants and/or employees from and against all claims of a third party relating to the towing and/or storage service of the licensee.
 13. Applications will be processed according to the order in which they were filed with the Police Chief.
- b. Upon this chapter becoming effective, applications shall be received during the thirty (30) day period immediately following and shall be acted upon in accordance with the other provisions of this chapter. Thereafter, applications shall be received prior to December 1st for processing prior to January 1st. Application shall be accompanied by a fee of two hundred (\$200.00) dollars.

21-5 INVESTIGATION.

- a. Within thirty (30) days after receipt of an application, the Chief of Police or his designee shall cause an investigation to be made of the applicant and his proposed business operation and shall make or have made an inspection of the vehicle.
- b. The Chief of Police may delegate the inspection of the vehicle to a person or persons, who shall make such an inspection and who shall report to the Chief of Police whether the wrecker is in a thoroughly safe and sanitary condition and complete with the requirements and standards of this chapter, as given herein.
- c. Upon completion of the investigation and inspection, the Chief of Police shall either refuse to approve the application or shall approve the application in accordance with the standards given herein, and shall inform the applicant of his decision. If the application is approved, the applicant shall supply the Chief of Police with the insurance policies or certificates as required.
- d. Upon receipt of the policies or certificates, the Chief of Police shall make appropriate notations on the applications and shall notify the Mayor and Council that the application has been approved. He shall maintain a file of the aforementioned documents. (Ord. No. 4-2001)

21-6 REQUIREMENTS FOR APPROVAL.

The Chief of Police shall approve an application when he finds that the following requirements have been met by the applicant:

- a. The insurance policies as required have been procured and supplied.
- b. The applicant and proposed operators are qualified to operate the wrecker and conduct a wrecker service in the Borough. Permit holders will be required to submit a list of operators and their legal addresses and keep the Police Department informed of any changes. The applicant shall have his garage

located within 2.5 miles of the municipal building of the Borough of Bloomingdale, 101 Hamburg Turnpike, Bloomingdale, New Jersey and shall have at least one (1) tow truck maintained at the garage.

- c. The requirements of this chapter and all other laws, statutes, and ordinances have been met.
 - d. The vehicles have been properly licensed and conform to the State motor vehicle laws.
 - e. The wrecker or tow truck to be approved on inspection meets the required minimum standards set forth herein.
 - f. The garage shall have a secured impound yard consisting of a fence of the maximum height permitted by the local zoning ordinance, with a locked gate. The impound yard shall be large enough to accommodate and protect all towed and disabled vehicles which have been Police Department generated. Stored vehicles within this impound yard shall not be seen from the roadway.
- (Ord. No. 4-2001
- g. There must be a business office open to the public between 8 a.m. and 5 p.m., at least 5 days a week, excluding holidays.
 - h. The impound area shall be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
 - i. The Borough of Bloomingdale Police Department shall be granted access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
 - j. Towing companies agree that the Borough of Bloomingdale may make periodic drivers' license checks, registration checks, background checks and insurance checks.

The Chief of Police may disqualify any applicant wherein an employee, owner, principal, agent and/or officer has been convicted of a crime involving moral turpitude or excessive moving violations or a substantial violation under this section.

21-7 MINIMUM STANDARDS FOR WRECKERS OR TOW TRUCKS.

The following shall serve as a minimum standard for wreckers:

- a. A wrecker shall be able to handle all makes of passenger cars and small trucks, such as pickup and small panel trucks up to one (1) ton and must have or be equipped with the following:
 - 1. All wreckers shall be a minimum of three-quarter (3/4) ton according to the manufacturer's specifications and shall have dual rear wheels.

2. A power take off controlled with a minimum cable thickness of three-eighths (3/8) inch or equivalent.
3. Gross weight equal to the vehicles to be towed, with a minimum of five thousand five hundred (5,500) pounds.
4. A three-eighths (3/8) inch safety chain. The lift chain and the safety chain are not to be attached in any form or manner to the same part of the wrecker.
5. Front and rear flashing hazard lights.
6. An approved light bar or equivalent.
7. All lights shall be of such candlepower in intensity as to be visible one-fourth (1/4) of a mile away.
8. All towing company drivers shall carry their business cards and must give it to the owner/driver of the vehicle to be towed.
9. All companies will have the company name, address, and phone number permanently affixed (in letter and numbers) a minimum of three (3) inches on both sides of the wrecker prior to said wrecker being used on any Borough rotation calls. The letter and numbers shall be a minimum of three (3) inches in height.
10. The wrecker is equipped with a flatbed and sufficient equipment to clean up the debris on the highway. The operator must clean away the debris at the scene.
11. Response by wreckers and tow trucks, maximum fifteen (15) minutes between the hours of 7:00 a.m./10:00 p.m.; and 4:00 p.m./7:00 p.m.; twenty (20) minutes all other times.

(Ord. No. 4-2001)

12. Two (2) reflectorized traffic safety vests.
 - b. All employees performing work while on a roadway, twenty-four (24) hours a day shall wear at all times a reflectorized traffic safety vest, to be provided by the employee's towing firm.
 - c. The towing operator shall provide all trucks with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of any accident to which they are summoned. The towing operator shall be responsible for the subsequent cleanup. Each truck shall have at least one (1) bag or container of absorbent for oil and/or any other liquid, except gasoline, that might be spilled onto a roadway as a result of an accident. If gasoline is spilled as a result of any accident, the Police Department shall immediately notify the Fire Department for immediate removal. Absorbed liquids, other than gasoline, shall be removed from the roadway by the tower, placed in plastic bags and then

placed in the towed vehicle by the towing operator and shall be disposed of by the owner of said vehicle.

21-8 INSURANCE POLICIES.

- a. No wrecker shall be called by the police unless the vehicles have been approved and the following insurance policies or certificates of insurance specifically naming the Borough as an insured party are filed with the Chief of Police.
 1. Automobile liability in an amount not less than \$1,000,000 for bodily injury per person, \$3,000,000 for bodily injury per accident and \$500,000 for property damage per accident.
 2. Garage Keeper's Policy. A garage keeper's legal liability policy covering fire, theft, and explosion in the minimum amount of twenty-five thousand (\$25,000) dollars and collision coverage subject to one hundred (\$100) dollars deductible, with each accident deemed a separate claim.
 3. Garage Liability Policy. A garage liability policy covering the operation of the applicant's equipment or vehicles for any bodily injury or property damage. This policy shall be in the amount of \$500,000/\$1,000,000.
 4. Worker's compensation as required by statute.
 5. Comprehensive general liability in an amount not less than \$2,000,000.
- b. Each policy required herein must contain an endorsement providing ten (10) days notice to the Borough in the event of any material change or cancellation for any cause.
- c. In the event the policy is changed so as to fail to conform with the above requirements, or if any policy of any approved wrecker is canceled for any reason, the Chief of Police shall notify the person responsible for the policy and it shall be corrected or reinstated or replaced with a conforming policy within ten (10) days after the notice is received and before the date of cancellation. If the policy or certificate is not corrected, reinstated, or replaced within the required time, the Chief of Police shall immediately suspend the wrecker permit.

(Ord. No. 4-2001)

21-9 DISPLAY OF IDENTIFICATION CARD.

The Chief of Police shall issue to the person owning an approved wrecker a card, in such form as may be set by the Chief of Police, which shall be at all times displayed on the passenger side of the rear window of each wrecker. The card shall bear the name of the owner, the rate of charges, and a notice that in case of any complaint, the complainant may notify the Chief of Police, giving the license number of the wrecker. The card shall also have the signature of the Chief of Police and the date of inspection of the wrecker.
(Ord. No. 4-2001)

21-10 POWERS AND DUTIES OF CHIEF OF POLICE AND BOROUGH ADMINISTRATOR/FULL-TIME MAYOR.

The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection and operation of wreckers and the design, construction, maintenance and conditions for the safe conduct of a wrecker service business, in accordance with the standards outlined in this chapter. The Chief shall maintain due vigilance over all wreckers to see that they are kept in a safe condition for transporting and hauling disabled vehicles and shall have the right at all times to inspect all licensed wreckers. If at any time the Chief of Police shall find the equipment inadequate or unsafe or find that the operator is not adhering to the rules or regulations promulgated by the Chief providing for adequate service, or otherwise violating the terms of this chapter the Chief of Police has the authority to suspend. Furthermore, the Chief of Police can suspend any license at any time for criminal activity, Title 39 violations or any violation(s) of this section. When a license is suspended, the Chief of Police shall forward a full report to the Borough Administrator/Full-time Mayor and Mayor and Council within seven (7) business days after said suspension. If the licensee objects to the determination of the Chief of Police, the licensee may request a hearing before the Borough Administrator or Full-time Mayor. The licensee must notify the Borough Administrator in writing of a request for a hearing within twenty (20) days of the suspension notice issued by the Chief of Police.

The Borough Administrator or Full-time Mayor shall conduct a hearing on the matter and impose such penalties, suspensions as shall be proper. The Administrator or Full-time Mayor, at the conclusion of the hearing, may affirm or reverse the decision of the Chief of Police. In the event the Borough Administrator or Full-time Mayor determines that a suspension of more than thirty (30) days should be imposed or that a permit should be revoked, the aggrieved party may, within five (5) days of notification of the Borough Administrator or Full-time Mayor's decision, appeal the decision in writing to the Mayor and Council. The Mayor and Council shall conduct a hearing within thirty (30) days of receipt of the written appeal.

The Chief of Police is also hereby authorized and empowered to establish from time to time such additional rules and regulations, not inconsistent herewith, as may be reasonable or necessary in carrying out the provisions of this chapter. (Ord. No. 4-2001)

21-11 HEARINGS BY THE MAYOR AND COUNCIL.

The aggrieved party shall be given at least ten (10) days notice of a hearing by the Mayor and Council as provided in Section 21-10 above. The Mayor and Council shall render a decision within thirty (30) days of the hearing. (Ord. No. 4-2001)

21-12 RECORD OF OWNERS AND OPERATORS.

The Chief of Police shall keep a record of names of all persons owning or operating wreckers approved under this chapter, together with the license number and description of the wreckers and the date and complete record of inspection made of them. (Ord. No. 4-2001)

21-13 SERVICE RATES.

- a. Charges for transportation, hauling or service of disabled vehicles by an approved wrecker or operator of any approved wrecker shall not exceed rates to be fixed by the Borough Council by ordinance.
- b. Every owner of the wrecker shall give the owner of the vehicle a written receipt for the fee paid. Copies of receipts shall be maintained by the owner for two (2) years and available for inspection by authorized Borough officials.

(Ord. No. 4-2001)

21-14 CONDUCT OF OWNERS AND OPERATORS.

- a. A wrecker permit hereunder shall be subject to the following conditions:
 1. No person shall seek employment by driving his wrecker to and from in a short space in front of any disabled vehicle or otherwise interfering with the proper and orderly progress of traffic along the public highways.
 2. No person owning or operating a wrecker shall engage in cruising.
 3. No person owning or operating a wrecker licensed under this chapter shall permit or invite loitering within or near the wrecker.
 4. No person shall solicit or attempt to divert prospective patrons of another wrecker nor shall he solicit or divert prospective patrons of a given garage in the Borough to another garage.
 5. No person shall solicit, demand, or receive from any person any commission or fee except the proper fee for transporting the disabled vehicle.
 6. No person shall pay any gratuity, tip, or emolument to any third person not involved in the accident or to any police officer for any information as to the location of any accident or for soliciting the employment of the operator's services, nor give any gratuities, fees, or other compensation or gifts to any members of the Police Department.
 7. No wrecker which happens to be passing by is permitted to solicit business from any of the drivers involved in the accident. Any wrecker at the scene may be used by the investigator to clear the scene if traffic conditions preclude waiting for the authorized wrecker; however, this may not authorize them to tow the vehicle from the scene.
 8. Shall any wrecker called by unable to respond adequately, or not have available the equipment required for a particular job, the Police Department using the rotation list, not the tower shall obtain a substitute.
 9. A patron or towee shall be given the opportunity by the Police Officer to secure a wrecker of his choice unless the Police Officer determines that

the interests of traffic movement and control, and/or the public health and safety require the services of a wrecker on the rotation list. The decision of the Police Officer shall be final.

(Ord. No. 4-2001)

- b. Towing Operator Personnel. The employees of the towing operator shall meet the following requirements:
1. An employee of the towing operator shall under no circumstances be deemed an agent, servant and/or employee of the Borough or represent to the public that he/she is an employee of the Borough of Bloomingdale.
 2. No person shall be employed by the towing operator unless he/she has obtained a record check and has been approved by the Borough of Bloomingdale Police Department.
 3. The towing operator and his employees are prohibited from collecting or attempting to collect a fee, commission, pay or charge other than as provided for in this section.
 4. The name of the individual tow truck employee shall be listed on the towing ticket/receipt.
 5. The towing operator shall provide the Police Department with a list of said personnel and copies of each operator's commercial driver license (CDL) and social security number.
 6. No towing operator shall employ, directly or indirectly, any employee of the Bloomingdale Police Department.
 7. No cruising by personnel shall be permitted.
 8. The licensee shall be responsible for roadway cleanup, which shall include but not be limited to removing broken glass and debris at the scene of an accident, as per N.J.S.A. 39:4-56.8b, and may charge the owner of the vehicle that created the debris a reasonable clean-up fee.
 9. The police officer at the scene of an accident or disabled vehicle shall be in complete charge and shall be responsible to guarantee that the scene is properly cleared and safe for traffic to resume safely.

21-15 RECORDS AND IMPOUNDMENT RULES.

- a. Regular Towing Service. Every person owning an approved wrecker shall keep a record of all details of each vehicle towed, serviced, or transported, together with full information concerning the service and fee charged **for a four year period**. This record shall indicate the date of towing, location, and the name and address of the owner and/or driver of the disabled vehicle. The record book herein described shall be kept open for inspection at all times by the Chief of Police or any duly authorized representative of the Chief.
- b. Vehicles Impounded by the Police Department. All companies on the towing list shall maintain a record regarding all vehicles impounded at the request of the

Bloomington Police Department. For example, abandoned vehicles, recovered stolen vehicles, or vehicles held for investigation by the Department. This record shall be made available to any Police Officer for inspection upon request and shall contain the following information:

1. The date, time, location, and name of the wrecker driver who towed the vehicle at the Department's request.
 2. The name of the Police Officer who requested the vehicle be impounded.
 3. The physical location of the vehicle after being towed.
 4. Identification of the impounded vehicle to include make, model, color, vehicle identification number, license number, and name of registered owner if known.
 5. A vehicle impounded by the Police shall not be released without a Tow Order Release Form authorizing said release.
 6. A written record shall be kept or maintained by the towing service indicating the name of the person releasing the vehicle, the type of "proof of ownership" presented, and the name of the person receiving said vehicle.
- c. It shall be the responsibility of the towing company to obtain proper proof of ownership and identification prior to the release of any vehicle. Release of any vehicle to an unauthorized person by the towing company shall result in liability against such company.

(Ord. No. 4-2001)

21-16 ROTATING CALL LIST.

- a. Wreckers performing towing service under these regulations shall perform on a monthly rotating basis, which rotating list shall be limited to those approved wrecker operators. The Chief of Police is hereby authorized to establish a system of rotation in the assignment of wreckers in the area. Wreckers shall be assigned from the rotating list only. No person shall respond to the scene of an accident except upon notification by the officer in charge of police headquarters or upon request of the driver or owner of the disabled vehicle.
- b. Additional rules and regulations regarding the rotation of wreckers as may be promulgated hereunder by the Chief of Police shall take effect immediately after service of a copy thereof to all permit holders for wreckers in the Borough which may be made by addressing same to the permit holders by mail at their last known addresses.

(Ord. No. 4-2001)

21-17 TOWING RATES; COMPLAINTS; APPEALS.

- a. The towing rates for the Borough of Bloomingdale shall not exceed those as established by the New Jersey Department of Insurance and promulgated in the New Jersey Register.
- | | | |
|-----|---|--------------|
| 1. | Basic Tow: (up to 8000 gvw) | \$80.00 |
| 2. | Basic Tow Medium duty: (8001-18000 gvw) | \$150.00 |
| 3. | Basic Tow Heavy duty: (18001-80000 gvw) | \$275.00 |
| 4. | Waiting time per hour billable in 15 min increments | \$80.00 |
| 5. | Clean up including brush, one bag of 50 lb absorbent | \$40.00 |
| 6. | Tarping/crash wrap | \$15.00 |
| 7. | Winching (under 8000 gvw) per hour billable
in ½ hr increments | \$120.00 |
| 8. | Winching (over 8000 gvw) per hour billable
in ½ hr increments | \$450.00 |
| 9. | Storage (up to 8000 gvw) | \$35 per day |
| 10. | Storage (over 8000 gvw) rate determined by spaces used | \$50 per day |
| 11. | Additional labor (tire changes, lock outs etc...) | \$40.00 |
- b. A copy of these rates and fees shall be on file in the office of the Borough Clerk and available for public inspection during regular business hours. Each towing company shall maintain a copy of said fee schedule and have the same available for inspection by any patron or towee.
- c. All complaints received by the Borough regarding a towing operator's performance under the provisions of this section shall be investigated by the Chief of Police or his designee. Any person whose vehicle is towed by the Borough of Bloomingdale, and wishes to lodge a complaint regarding said towing, may do so by submitting a written grievance to the Borough Administrator or Full-time Mayor's Office. The Borough Administrator or Full-time Mayor shall review all grievances and attempt to structure a satisfactory resolution of the dispute.
- d. Any person who wishes to appeal the towing costs of their vehicle and any charges they incurred as a result of the towing may do so by:
1. Obtaining a copy of the "Towing Appeals Form" from the Office of the Borough Administrator/Full-time Mayor;
 2. Completing the entire form and attaching a copy of the towing receipt;
 3. Submitting the form to the Borough Administrator/Full-time Mayor within twenty (20) days of the vehicle being towed.
- e. Failure to properly complete the form or submit the form within the twenty (20) day time period will disqualify the appeal from consideration. No appeal shall be heard until all outstanding fines or tickets have been paid by the appellant.

(Ord. No. 4-2001; Ord. No. 21-2007 § 1)

SECTION 2. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This law shall take effect immediately upon final passage, approval and publication as required by law.

Councilman D'Amato opened the meeting to a Public Hearing on this ordinance; seconded by Councilwoman Shortman and carried on voice vote.

Since there was no one who wished to speak under the Public Hearing, Councilwoman Shortman moved that it be closed; seconded by Councilman Yazdi and carried on voice vote.

Councilman Yazdi moved for the adoption of this ordinance; seconded by Councilwoman Shortman and carried as per the following roll call: Council members: Dellaripa; Shortman; Sondermeyer; Yazdi; Conklin and D'Amato all YES.

Second and final reading and public hearing of Ordinance No. 17-2013: Sidewalks

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG CERTAIN PORTIONS OF HEATHER LANE, KNOLLS ROAD, RAFKIND ROAD AND WOODLOT ROAD IN AND BY THE BOROUGH OF BLOOMINGDALE, NEW JERSEY, APPROPRIATING \$848,000 THEREFOR, INCLUDING A GRANT IN THE AMOUNT OF \$200,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE ISSUANCE OF \$807,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST thereof was given second and final reading and consideration for adoption at this time.

Councilwoman Shortman moved that the ordinance be read by title; seconded by Councilman Yazdi and carried on voice vote.

ORDINANCE No. 17-2013

**OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

BOND ORDINANCE PROVIDING FOR SIDEWALK IMPROVEMENTS ALONG CERTAIN PORTIONS OF HEATHER LANE, KNOLLS ROAD, RAFKIND ROAD AND WOODLOT ROAD IN AND BY THE BOROUGH OF BLOOMINGDALE, NEW JERSEY, APPROPRIATING \$848,000 THEREFOR, INCLUDING A GRANT IN THE AMOUNT OF \$200,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, AND AUTHORIZING THE ISSUANCE OF \$807,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE COST THEREOF AND DIRECTING THE SPECIAL ASSESSMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, NEW JERSEY (the "Borough") (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough as a local improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$848,000, including a grant in the amount of \$200,000 expected to be received from the State of New Jersey Department of Transportation and including the sum of \$41,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$807,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of sidewalks along certain portions of Heather Lane, Knolls Road, Rafkind Road and Woodlot Road in the Borough, and including all work and materials

necessary therefore or incidental thereto. Attached hereto as Schedule "A" is a list of all of the affected property owners of which the above referenced sidewalk improvements will be undertaken, together with their respective Block and Lot numbers.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer/treasurer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer/treasurer. The chief financial officer/treasurer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's/treasurer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer/treasurer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer/treasurer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The improvement described in Section 3 of this ordinance shall be undertaken as a sidewalk improvement and the cost thereof shall be assessed in the following manner. An accurate account of the cost of construction of the sidewalks shall be kept, and such cost shall be assessed upon the several properties fronting on the improvement in proportion to their respective frontage thereon pursuant to and in accordance with N.J.S.A. 40:65-1 et seq.

Section 6. Unless notice of the pendency of this ordinance is given in accordance with N.J.S.A. 40:65-6, the Borough Clerk shall cause Notice of the proposed sidewalk improvement to be given to the owner or owners of real estate affected thereby prior to the making of the sidewalk improvement described in Section 3 hereof or the awarding of any contract for such sidewalk improvement. The Notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and a statement that unless the owner or owners complete the improvement within thirty days after service thereof, the Borough will make the improvement at the expense of the owner or owners. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to N.J.S.A. 40:65-5, and the proof of service shall be filed with the officer of the Borough in charge of the records of tax liens of the Borough within ten days after service thereof.

Section 7. The owner of any land upon which an assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments determined herein with legal interest on the unpaid balance of the assessment. The first of such installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year at such time as the governing body shall determine by resolution, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time. In case any such installment shall remain unpaid for thirty days after the time it shall become due and payable, the whole assessment or the balance thereof shall become and be immediately due and payable, shall draw interest at the rate imposed upon the arrearage of taxes in the Borough and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment, with all installments and accrued interest thereon, shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Borough shall have the right to waive default as may be permitted by law.

Section 8. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement that the Borough may lawfully undertake as a local improvement, the cost of which shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$807,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount of not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by the improvement is 10.

Section 9. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 10. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 12. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Yazdi moved that a Public Hearing be open on this ordinance; seconded by Councilman Conklin and carried on voice vote.

The following people spoke in regard to this ordinance:

Sonja Brenna, 6 Heather Lane, asked about the concrete; Engineer stated that it will be 8” on the apron and 4” on the driveway; just clean stone; no overlay. Noted that there is a two year warranty on the project

A resident may ask the contract to replace other pieces of sidewalk and this would be added to their cost.

Borough Engineer stated that the next step is to come up with a complete property assessment of the owners; this is the beginning of the process. If someone has a concern, they should contact the Engineer.

Lorraine LaVoie, 247 Rafkind Road, asked if it will start at one end and go to the other; Borough Engineer stated it will but we are not sure which end first; hoping in the summer.

John Rizzuto, 242 Rafkind Road, asked about the process and it was noted that once the survey of the properties is done, everyone will get a letter identifying the assessment; it will be up to the property owner to call the Engineer if they have a questions, concern, et c.

Maryann Rickelmann, 120 Knolls Road, asked what happens if sidewalks are in good condition; noted that the Engineer will make the assessment in regard to that. Did note that some of the new sidewalks we will be replacing the curb and we will have to remove aprons.

Kevin Watershell, 144 Rafkind Road, stated that we will not get a cheaper price than what the town is offering. He would like to wrap the sidewallk all around his property; this would be discussed with the engineer.

Mayor stated that we are doing a mapping of our stormwater and the sewer lines will be camered and looked at.

Al LaVoie, 247 Rafkind, noted that snow plowing does a lot of damage to the sidewalks and asked how we know that this is a good price; he could probably get a better one.

Mayor stated that if the Engineer says the sidewalks have to be replaced, it will be part of the project; you will know the cost prior.

Tom Tracey, 158 Rafkind Road, stated that the DPW is great; they have no place but to put the snow in the corner of a cul-de-sac. He also noted that you will not get a cheaper price.

Ann Yuhas, 3 Woodward Avenue, asked what about places where there are not sidewalks; Borough Engineer stated we will not be adding any there; this was never discussed.

Joe Wild, 198 Rafkind Road, stated he needs sidewalks in the whole area; noted that Heather will be assessed. Tree removal will be part of the project; curbs will not be paid for.

Kevin 144 Rafkind Road, stated that he cannot do it his cheaper than the town is doing it.

Sonja Brennan stated that the gas company has been out marking up the roads; Mayor is aware of it and they know that if they have work to be done, it has to be done before this project; Engineer makes sure he communicates with them.

Since there was no one else who wished to speak, Councilman D'Amato moved that it be closed; seconded by Councilwoman Shortman and carried on voice vote.

Councilman D'Amato moved for the adoption of this ordinance; seconded by Councilwoman Shortman and carried as per the following roll call: Council Members: Shortman; Sondermeyer; Yazdi; Conklin; D'Amato; Dellaripa all YES.

RECESS

The Mayor called for a recess at this time.

RECONVENED

Mayor Dunleavy reconvened the meeting at 8:13 p.m.

INTRODUCTION OF NEW BUSINESS

Adoption of Resolution No. 2013-5.1: Terminating participation under the State health Benefits Program

Councilman Yazdi offered the following Resolution and moved for its adoption:

(See Page 23)

Councilman Sondermeyer seconded the motion and it carried as per the following roll call: Council Members: Sondermeyer; Yazdi; Conklin; D'Amato; Dellaripa and Shortman all YES.

Adoption of Resolution No. 2013-5.2: Authorization to join the North Jersey Municipal Employees Benefit Fund

Councilman Yazdi offered the following Resolution and moved for its adoption:

**RESOLUTION No. 2013-5.2
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AUTHORIZATION TO JOIN THE NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the NJMEBF, hereinafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8:1, and 40A:10-36 et.seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been in operation since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of Borough of Bloomingdale, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):
 - a) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's bylaws.
- iv. Execute an application for membership and any accompanying certifications.
- v. Commit to the four principles of the FUND which are:
 - a) A long-term philosophy on rates.
 - b) A willingness to work with bargaining unit to achieve plan design changes.
 - c) Professional management with stability and commitment.
 - d) Rating structure based on actuarial numbers.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Councilman Dellaripa seconded the motion and it carried as per the following roll call: council Members: Yazdi; Conklin; DAmato;Dellaripa; Shortman and Sondermeyer all YES.

Adoption of Resolution No. 2013-5.3: Appointing mayor Dunleavy as Commissioner of the North Jersey Muicipal Employees Benefit Fund

Councilman D'Amato offered the following Resolution and moved for its adoption:

**RESOLUTION No. 2013-5.3
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale hereby appoints Mayor Jonathan Dunleavy , to serve as the Commission to the North Jersey Municipal Employees Benefit Fund for the Borough of Bloomingdale for a one-year term, expiring December 31, 2013.

Councilman Dellaripa seconded the motion and it carried as per the following roll call: Council members: Conklin; D'Amato; Dellaripa; Shortman; Sondermeyer and Yazdi all YES.

Adoption of Resolution No. 2013-5.4: Appointing Treasurer Sherry Gallagher as Alternate Commissioner to the North Jersey municipal Employees Benefit Fund

Councilman Sondermeyer offered the following Resolution and moved for its adoption:

**RESOLUTION No. 2013-5.4
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale hereby appoints Treasurer Sherry Gallagher, to serve as the Alternate Commission to the North Jersey Municipal Employees Benefit Fund for the Borough of Bloomingdale for a one-year term, expiring December 31, 2013.

Councilman Dellaripa seconded the motion and it carried as per the following roll call: Council members; D'Amato; Dellaripa; Shortman; Sondermeyer; Yazdi and Conklin all YES.

Authorization to enter into a Janitorial Services contract with First Community Development corporation of New Jersey, Inc.

Councilman Dellaripa moved that authorization be given to enter into a contract for Janitorial Services with First Community Development Corporation of New Jersey, Inc. as per their proposal which is on file with the Municipal Clerk dated May 8, 2013; seconded by Councilman Sondermeyer and carried as per the following roll call: Council Members: Dellaripa; Shortman; Sondermeyer; Yazdi; Conklin and D'Amato all YES.

Authorization to enter into a Shared Services Agreement for Landscaping Services with the Bloomingdale Board of Education

Councilman Dellaripa moved that authorization be given to enter into a Shared Services Contract for Landscaping Services with the Bloomingdale Board of Education for the period July 1, 2013 through June 30, 2014 and is on file in the Municipal Clerk's office; seconded by Councilman Yazdi and carried as per the following roll call: Council Members: Shortman; Sondermeyer; Yazdi; Conklin; D'Amato; Dellaripa all YES.

Adoption of Resolution #2013-5.5: Urging the state of NJ to adequately fund its comprehensive tobacco control program in FY2014 and subsequent years

Councilwoman Shortman offered the following Resolution and moved for its adoption:

**RESOLUTION NO. 2013-5.5
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Resolution of the Borough of Bloomingdale urging the State of New Jersey to adequately fund its comprehensive tobacco control program in FY2014 and subsequent years.

WHEREAS, Lung cancer is the number one cancer killer with the vast majority of cases caused by smoking, and smoking also causes cancer of the oropharynx, larynx, esophagus, pancreas, bladder and kidney, and;

WHEREAS, Tobacco use costs New Jersey residents an estimated \$3.17 billion in health care costs, including \$967 million in Medicaid expenditures by state and local governments,¹ and;

WHEREAS, Nearly 9,700 New Jersey children will become regular daily smokers,² and;

WHEREAS, It is estimated that in 2011, 4,492 New Jersey residents died from cancers that result from smoking, representing 27% of the total number of cancer deaths in New Jersey,³ and;

WHEREAS, The U.S. Centers for Disease Control and Prevention (CDC) recommends that New Jersey spend between \$72.1 million and \$154.3 million every year on its comprehensive tobacco control program, with a median recommendation of \$119.8 million,⁴ and;

WHEREAS, New Jersey has raised over \$5 billion in tobacco revenues over the past five years, yet state spending on Tobacco Control Programs has plummeted to ZERO allocated state dollars in FY2013, ranking the state 50th in the nation for funding its Tobacco Control Program,⁵ and;

WHEREAS, the primary purpose of the 1998 Master Settlement Agreement was to provide states with funding to remedy the public health problems and increased health costs posed by tobacco use, and;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Bloomingdale , in the County of Passaic, State of New Jersey, as follows:

1. The Borough of Bloomingdale urges the State of New Jersey to fund its comprehensive tobacco control program in FY2014 and subsequent years in the amount of \$119.8 million as recommended by the U.S. Centers for Disease Control and Prevention (CDC.)
2. The Bloomingdale Borough Clerk is directed to forward copies of the resolution to the office of the Governor of the State of New Jersey, the State Legislators representing

¹ U.S. Centers for Disease Control and Prevention, "Best Practices for Comprehensive Tobacco Control Programs – 2007, October 2007, p. 89 (NJ). See:

http://www.cdc.gov/tobacco/stateandcommunity/best_practices/pdfs/2007/bestpractices_complete.pdf.

² Centers for Disease Control, *Sustaining State Programs for Tobacco Control, Data Highlights 2006*.

³ American Cancer Society, *Estimated Number of Cancer Cases and Deaths by State, 2011 Updated*.

⁴ Centers for Disease Control and Prevention, *Best Practices for Comprehensive Tobacco Control Programs – 2007*, Atlanta; US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; October 2007, p.54.

⁵ Campaign for Tobacco-Free Kids, et al., *A Decade of Broken Promises: The 1998 State Tobacco Settlement Fourteen Years Later*, 2012, <http://www.tobaccofreekids.org/reports/settlements>.

Bloomingtondale, the Speaker of the New Jersey General Assembly, the President of the New Jersey State Senate, and the Commissioner of the New Jersey Department of Health.

Councilman Dellaripa seconded the motion and it carried as per the following roll call: council Members: sondermeyer; Yazdi; Conklin; D'Amato; Dellaripa and Shortman all YES.

Authorization to enter into a contract with Air Purification Solutions, LLC for airmation Diesel Exhaust Removal

Councilman Yazdi moved that authorization be given to enter into a contract with Air Purification Solutions, LLC for air diesel exhaust removal at the DPW for \$18,151.56; seconded by Councilman Dellaripa and carried as per the following roll call: council Members: Yazdi; Conklin; D'Amato; Dellaripa; Shortman and Sondermeyer all YES.

Introduction of Ordinance No. 20-2013: Waiving distance between Consumption Liquor Licenses

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, THE CODE OF THE BOROUGH OF BLOOMINGDALE BY AMENDING CHAPTER VI, "ALCOHOLIC BEVERAGE CONTROL," SECTION 6-4, "REGULATION OF LICENSES," SECTION 6-4.4, "DISTANCE BETWEEN LICENSED PREMISES," TO ELIMINATE THE REQUIREMENT THAT THERE BE A DISTANCE OF 1000 FEET BETWEEN PLENARY RETAIL CONSUMPTION licenses was introduced by title by councilman Sondermeyer who moved that second and final reading and public hearing be held on May 28, 2013 at 7:30 p.m.

Councilman Dellaripa seconded the motion, and it carried as per the following roll call: Council members: Conklin; D'Amato; Dellaripa; Shortman; Sondermeyer and Yazdi all YES.

Introduction of Ordinance No. 21-2013: Appropriating \$420,000 from the Capital Surplus Fund for Various Purposes

ORDINANCE APPROPRIATING \$420,000.00 AVAILABLE FROM THE GENERAL CAPITAL SURPLUS FUND TO PROVIDE FOR VARIOUS PURPOSES DESCRIBED HEREIN IN AND BY THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEW JERSEY. Was introduced by title by Councilman Yazdi who moved that second and final reading and public hearing be held on June 4, 2013 at 7:30 p.m.; seconded by Councilman Dellaripa.

Discussion followed in regard to approval of items by the Governing Body; Councilwoman Shortman stated that we did not formally vote on the installation of the rug in the Council Chambers.

Mayor Dunleavy stated that any money spent on these chambers was done from a 2008 bond for municipal hall improvements.

Councilwoman Shortman felt that this was a wish list item and should have been brought back before the Council.

Discussion following in regard to this bond ordinance we are introducing and she stated that she wants all the items covered under the \$150,000 to be brought back to the Governing Body for a vote before any monies spent.

Borough Attorney stated that in regard to the rug, if there is an expenditure for something in the budget, a purchase order is presented and it comes through which requires a signature by the CFO/Treasurer and then it was part of the bills list. If it is on the bills list, that answers the questions; if it was not, then we should revisit it.

The motion carried as per the following roll call: council members: Dellaripa, YES; Shortman, YES; Sondermeyer, YES; Yazdi, YES; Conklin, NO and D'Amato, YES.

Adoption of Resolution #2013-5.7: Contract with Geotechnical Engineering Services for Subsurface Investigation and Analysis of Senior Center

Councilman D'Amato offered the following Resolution and moved for its adoption:

RESOLVED, that authorization be given to enter into a contract with Richard S. Kessler for subsurface investigation and analysis of the existing senior center building distress in the amount of \$12,075 and certification of funds has been received.

Councilman Yazdi seconded the motion and it carried as per the following roll call: council members: Shortman; Sondermeyer; Yazdi; Conklin; D'Amato and Dellaripa all YES.

Adoption of Resolution #20135.8: Authorization for contract with Atlantic Environmental Solutions Inc.

Councilman D'Amato offered the following Resolution and moved for its adoption:

RESOLVED THAT A CONTRACT WITH Atlantic Environmental Solution, Inc. for Phase Remediation of 188 Union Avenue be authorized in the amount of \$44,640 and certification of funds has been received.

Councilman Yazdi seconded the motion, and it carried as per the following roll call: council Members: Shortman; Sondermeyer; Yazdi; Conklin; D'Amato and Dellaripa all YES.

Authorization for early executive session May 28, 2013 with Police Chief in regard to personnel

Councilman Sondermeyer moved that an Early Executive Session be held on May 28, 2013 at 6 p.m. with the Police Chief in regard to personnel; seconded by Councilman Yazdi and carried on voice vote.

Authorization to waive Peddlers Permit Fee

Councilman Yazdi moved that authorization to waive the \$200 peddlers permit fee for Scott Gabriele who is donating some of the proceeds to Little League be given; seconded by Councilman Conklin and carried on voice vote.

Acceptance of resignation of Mary Ellen Snyder as Member of Board of Health

Councilman Yazdi moved to accept the resignation of Mary Ellen Snyder as a member of the Board of Health with regret; seconded by Councilman D'Amato and carried on voice vote.

Authorization for two Budget Meetings

Councilman Yazdi moved for authorization of two Special Meetings for Budget presentations:

May 30	8 p.m.
June 6	7:30 p.m.

Councilman Dellaripa seconded the motion and it carried on voice vote.

Authorization for the Police Chief to seek bids for vehicle

Councilman Yazdi moved that the Police Chief be authorized to see bids for a new police vehicle; seconded by Councilman Dellaripa and carried as per the following roll call: Council Members: Sondermeyer; Yazdi; Conklin; D'Amato; Dellaripa and Shortman all YES.

(Noted that the zoning ordinance which was introduced this evening will be June 11, 2013 at 7:30 p.m.)

LATE PUBLIC COMMENT

Councilman Yazdi opened the meeting up to Late Public Comment; seconded by Councilman Dellaripa and carried on voice vote.

Since there was no one who wished to speak, Councilman Yazdi moved to close Late Public Comment; seconded by Councilman D'Amato and carried on voice vote.

Resolution for Executive Session

Councilman Dellaripa offered the following resolution and moved for its adoption:

Borough of Bloomingdale

Passaic County, New Jersey

~ **Resolution No. 2013** ~

MOTION FOR EXECUTIVE SESSION

BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale on the 12th day of March, 2013 that:

1. Prior to the conclusion of this **Official Meeting**, the Governing Body shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () a. () Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. () A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () c. () Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () d. () A collective bargaining agreement including negotiations.
 - () e. () Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () f. () Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (x) g. (3) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
 - (x) h. (1) Personnel matters.

- () i. () Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).and certified as a true copy of an original.

Councilman D'Amato seconded the motion and it carried on voice vote.

(At this time, the Mayor and Council went into Executive Session.)

RECONVENED

Mayor Dunleavy reconvened the meeting at 10:13 p.m.

Authorization for Police Chief to begin interview process for new Police Officer

Councilman Yazdi moved t hat authorization be given for the Police Chief to begin the interview process for a new Police Officer; seconded b Councilman Dellaripa and carried as per the following roll call: council Members: Yazdi; Conklin; D'Amato; Dellaripa; Shortman and Sondermeyer all YES.

ADJOURNMENT

Since threw was no further business to be conducted, Councilman D'Amato moved to ADJOURN at 10:30 p.m.; seconded by Councilman Yazdi and carried on voice vote.

Jane McCarthy, RMC
Municipal Clerk